

### REMARKS

This is in response to the Office Action dated September 5, 2007. In view of the foregoing amendments and following representations, reconsideration is respectfully requested.

By the above amendment, claims 19 and 20 are newly presented. Each of the new claims reads on the elected invention. Thus, claims 1, 4-6 and 15-20 are currently pending in the present application. Claims 1, 3 and 12-14 have been withdrawn from further consideration.

On pages 2-7 of the Office Action, claims 2, 5, 6, 15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tetsuo et al. (JP Patent 09-060682) in view of Schleicher (U.S. Patent No. 5,305,517). Also, on pages 7-9 of the Office Action, claims 2, 4, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tetsuo et al. in view of Stevenson et al. (U.S. Patent No. 6,814,531). These rejections are respectfully traversed for the following reasons.

#### Independent Claims 2 and 15

The present invention, as defined in claim 2 or claim 15 features a combination of a first joint portion having high peeling resistance and a second joint portion having high shear strength (see page 11, line 24 to page 15, line 11). Thus, the present invention brings about novel technical advantages that cannot be achieved by the use alone of either of the two different kinds of joints; namely, the present invention provides both high peeling resistance and high shear strength.

However, Tetsuo et al. and Schleicher disclose only one of the two types of joints. In other words, neither Tetsuo et al. nor Schleicher teaches or suggests a combination of the two

types of joints. The combination of the two types of joints results in requiring at least two types of punches and dies corresponding to the two types of joints, and thus production costs would be increased.

From the viewpoint of the fact that the production cost is increased by employing the two types of punches and dies, the idea of combining Schleicher, which discloses a first type of joint, and Tetsuo *et al.*, which shows a second type of joint, would not have been obvious to one of ordinary skill in the art. Rather than combining the two types of joints in a single assembly, one of ordinary skill in the art would have simply substituted the joints taught by Schleicher for the joints employed in Tetsuo.

The present inventors determined that not only high shear strength but also high peeling resistance is required for a suspension strut or shock absorber. Thus, in order to provide the necessary strength and resistance, the inventors developed the present invention by combining the two types of joints.

In view of the above, it is submitted that it would not have been obvious to employ and combine these two types of joints in a single assembly. Furthermore, there is no reason to combine the Tetsuo and Schleicher joints on the present record absent the disclosure of the present invention. However, combining the teachings of the prior art based on the present disclosure is an impermissible use of hindsight.

Further, Schleicher discloses in Figs. 18 and 19 a single joint portion having two effects, namely shear strength and peeling resistance. However, since the two effects are applied to only a single joint portion, the joint portion can exert the shear strength in only one direction. For

example, if the joint portion has shear strength in a direction parallel to the joint surfaces of the joint portion, it follows that the joint portion will not have shear strength in a direction perpendicular to the joint surfaces.

In view of the above, it is submitted that the Tetsuo and Schleicher references do not disclose or suggest a combination of two types of joints as claimed in claims 2 and 15 of the present invention. Therefore, the use of two types of such joints would not have been obvious to one of ordinary skill in the art, even when taking into account common technical knowledge available at the time of filing of the subject application.

Claims 19 and 20

Claims 19 and 20 require each of the limitations of claims 2 and 15, respectively. In addition, claims 19 and 20 require that "at least two joint portions of the plurality of joint portions are located at diametrically opposite positions perpendicular to an axial direction of the assembly."

Neither of the applied prior art references, i.e. Tetsuo and Schleicher, discloses an arrangement in which at least two joint portions of a plurality of joint portions are located at diametrically opposite positions perpendicular to the axial direction of the tube assembly. In the present invention, the overlapping part is drawn simultaneously at two diametrically opposite positions so that forming pressure can be efficiently applied to the overlapping part and so that the forming load can be reduced.

Further, Stevenson shows a single type of joint which employs a self-piercing rivet. Thus, the collective teachings of Tetsuo and Stevenson do not teach an assembly in which two


different types of joint portions are employed to provide both high peeling resistance and high shear strength. Therefore, the Tetsuo and Stevenson references would not result in Applicants' invention as defined in claims 2, 15, 19 and 20.

In view of the above, it is submitted that the present application is now clearly in condition for allowance. The Examiner therefore is requested to pass this case to issue.

In the event that the Examiner has any comments or suggestions of a nature necessary to place this case in condition for allowance, then the Examiner is requested to contact Applicant's undersigned attorney by telephone to promptly resolve any remaining matters.

Respectfully submitted,

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